

Massachusetts Water Resources Authority Enforcement Response Guide

Discharge Violations			
Noncompliance	Nature of Violation	Enforcement Response Options	Personnel
Exceedance of discharge limits	Isolated, 1 st or 2 nd violation (non-consecutive, or different parameters)	NOV within 10 working days of discovery	CC
	Repeated or frequent violations	NON/Order within 45 days of receipt of results of repeat sampling following NOV; PAN and SOC within 60 days of noncompliance with NON/Order; NPPR; civil referral	CC; Legal
	Significant Noncompliance	NON/Order within 60 days of SNC determination; PAN and SOC within 60 days of discovery of continuing violations after NON/Order or Ruling; NPPR within 60 days of noncompliance with SOC	CC; Legal
	Caused know environmental or POTW damage or endangered worker safety	Cease and Desist Order to halt discharge within 10 working days of discovery or immediate emergency suspension of service and PAN within 45-60 days; civil referral within 45 days of determination that further action is necessary; NPPR within 60 days of continued violations	CC; Legal
	Willful or intentional	PAN and Cease and Desist Order; criminal referral	CC
Slug Load Discharge	Isolated without known damage	NOV within 10 working days of discovery; Order to develop a spill control plan within 45 days if necessary; PAN and SOC within 60 days of noncompliance with Order	CC
	Isolated with known interference, pass-through, or damage	NON/Order within 45 days of discovery; PAN and SOC within 60 days: Immediate emergency suspension of service: NPPR within 60 days of continued noncompliance with SOC	CC
	Recurring (2 nd violation is past 2 years)	SOC within 45 days; PAN within 60 days of recurrence or civil	CC

		referral within 45 days of recurrence; NPPR within 60 days of continued noncompliance with SOC	
	Willful or intentional	PAN and Cease and Desist Order within 60 days of discovery; criminal referral	CC

Sampling and Reporting Violations			
Noncompliance	Nature of Violation	Enforcement Response Options	Personnel
Sampling or reporting deficiencies	Isolated or infrequent (1 st or 2 nd violation)	NOV within 10 working days of discovery	CC
	Frequent (3 rd violation in the last 2 years) or persistent	NON/Order within 45 days; PAN within 60 days of violation of NON/Order	CC; Legal
Complete failure to sample or report	Significant Noncompliance	NOV within 10 working days of discovery of failure to receive report; NON/Order within 45 days of noncompliance with NOV; PAN and SOC within 60 days of compliance due date with NON/Order; NPPR	CC; Legal
	G1 Annual Silver Sample	NOV (if 1 st time in past 5 years) within 10 days of discovery; PAN and Order (if 2 nd time or more in past 5 years) within 90 days of discovery.	CC; Legal
	G1 Annual Group Permit Compliance Report	PAN and Order within 90 days of discovery	CC; Legal
	G2 Biennial Group Permit Compliance Report	PAN and Order within 90 days of discovery	CC; Legal
Failure to submit compliance schedule (SNC)	Violation of Order	SOC with PAN within 30-60 days of noncompliance with due date in Order; NPPR with 60 days; civil referral	CC; Legal
	Isolated or infrequent; no know effects	NOV within 10 working days of discovery	CC; Legal
Failure to notify of effluent limit violation or slug load discharge	Frequent or continued violations (2 nd violation in last 2 years)	NON/Order within 45 days; PAN and SOC within 60 days of noncompliance with NON/Order	CC; Legal

Failure to install safe and accessible monitoring location	Caused know environmental or POTW damage (SNC)	<p>Immediate emergency suspension of service, PAN within 45 days of discovery; Civil or criminal referral; NPPR</p> <p>Letter requesting modifications within 10 working days of discovery; NON/Order within 45 days of noncompliance with letter; PAN and SOC within 60 days of compliance due date in NON/Order</p>	
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Compliance Schedule Violations			
Noncompliance	Nature of Violation	Enforcement Response Options	Personnel
Missed milestone date	Will not affect other milestone dates or other dates	Telephone call or letter within 10 working days of discovery	CC
	Will affect other milestone or final compliance date	Meeting or letter within 10 working days of discovery; NON/Order within 45 days of missed date; PAN within 30-60 days of missed date.	CC
Failure to meet compliance schedule reporting requirements	Did not submit report but did complete milestone	NOV within 10 working days of deadline, NON/OTCA within 45 days of violation (for permit compliance schedules only)	CC
	Did not submit or complete Milestone	NON/Order within 45 days of deadline (for permit compliance schedules only); PAN within 60 days of continued noncompliance with NON/Order	CC; Legal
Missed final date	Demonstrably unavoidable, out of the control of permittee	Telephone call, letter, or meeting within 10 working days of due date	CC
	30 days of more outstanding; failure or refusal to comply without good cause	PAN; NPPR; civil referral	CC : Legal
Reporting false information	Any instance (SNC)	Criminal referral within 45 days of discovery; NPPR	CC; Legal

Spill Incidents			
Noncompliance	Nature of Violation	Enforcement Response Options	Personnel
Spill incident	Reported and investigated	NOV within 10 working days of discovery	CC
	Failure to report spill	NON/Order with 45 days of discovery; PAN and SOC within 60 days of discovery of noncompliance with NON/Order	CC; TRAC
Repeated spill incidents	Occurs subsequent to NON/Order for prior incident	PAN within 60 days of discovery of subsequent spill	CC
	Failure to develop/upgrade spill control plan	NON/Order within 45 days of discovery; PAN and SOC within 60 days of noncompliance with NON/Order; NPPR	CC
	Results in known environmental or POTW damage	Immediate emergency suspension of service; PAN with EO or SOC within 60 days of discovery; NPPR	CC
Violations Detected During Site Visits			
Noncompliance	Nature of Violation	Enforcement Response Options	Personnel
Denial of Access		Search warrant or PAN and EO within 30 days of denial	CC
Minor violation of sampling procedures	Any instance	Telephone call or letter within 10 working days of discovery	CC
Major violation of sampling procedures	No evidence of negligence or intent	NOV within 10 working days of discovery; NON/Order if violation continues without correction within 45 days of discovery of continuing violation; PAN within 60 days of deadline set in NON/Order	CC
	Willful or intentional to manipulate sample results	PAN within 60 days; Criminal referral	CC; Legal
Minor violation of permit condition	No evidence of negligence	NOV within 10 working days of	CC

(e.g., record keeping)	or intent	discovery; NON/Order within 45 days of noncompliance with NOV; PAN within 60 days of failure to comply with NON/Order	CC; Legal
	Willful or intentional to preclude MWRA's discovery of pertinent information	PAN within 60 days; criminal referral	CC; Legal
Major violation of permit condition (e.g., bypass of treatment system, once-through non-contact cooling water, dilution)	No evidence of negligence or intent	NON/Order within 45 days of discovery; PAN and SOC within 60 days of noncompliance with NON/Order; NPPR	CC; Legal
	Willful or intentional	PAN with Cease and Desist Order within 60 days of discovery; NPPR; Criminal referral	

Violations by Septage Haulers

Noncompliance	Nature of Violation	Enforcement Response Options	Personnel
Failure to comply with requirements of municipal permit issued by MWRA	Discharger unaware of requirements	NON/EO within 45 days of discovery; PAN and Cease and Desist Order with 60 days of noncompliance with EO	CC
	Intentional violation of requirements	PAN and EO within 30 to 60 days of discovery; Criminal referral	CC; Legal
Discharging septage originating outside of MWRA's Sewerage District	Discharger unaware of prohibition	NON/EO within 45 days of discovery; PAN and SOC within 60 days of noncompliance with EO	CC
	Willful or intentional	PAN and EO within 30-60 days of discovery; Criminal referral	CC; Legal
Discharging industrial septage without industry permit from MWRA	Discharger unaware of permit requirements, prohibitions and local limits not violated	NON/EO within 45 days of discovery; PAN and Cease and Desist Order within 60 days of noncompliance with EO	CC; Legal
	Willful or intentional, or discharge violates local limits and/or prohibitions	PAN and EO within 30-60 days of discovery; Criminal referral	

Gas/Oil Separator Violations

Noncompliance	Nature of Violation	Enforcement Response Options	Personnel
Failure to provide access	1 st or 2 nd attempt by MWRA	Verbal request immediately;	RI

Failure to maintain separator	to check separator	Letter requesting access within 10 days of discovery	
	3 rd attempt by MWRA to check separator	NON/Order within 45 days; PAN and SOC within 60 days of violation of NON/Order	RI; CC
	1 st or 2 nd offense	Verbal notice and follow-up letter within 10 days of discovery	RI
Failure to install separator	3 rd offense or continued failure	NON/Order within 45 days; PAN and SOC within 60 days of violation of NON/Order	RI; CC
	Owner/Operator unaware of requirement	Verbal notification and follow-up letter within 10 days of discovery; NON/Order within 45 days of noncompliance with letter	RI
	Continued failure to comply	PAN and SOC within 60 days of violation of NON/Order	RI; CC